

Message Text

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ACTION EA-12

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TO SECSTATE WASHDC 5949
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BANGKOK AND MANILA FOR DEA

EO 11652: N/A
TAGS: SNAR, NZ
SUBJECT: NEW ZEALAND TO TOUGHEN NARCOTICS LAWS

REF: (A) WELLINGTON 03644 (NOTAL), (B) CANBERRA A-161
- (NOTAL), (C) WELLINGTON 03278 (NOTAL)

SUMMARY: PROPOSED CHANGES IN NZ NARCOTICS LAW WILL
SIGNIFICANTLY STIFFEN PENALTIES FOR CONVICTED HARD
DRUG TRAFFICKERS. ACTION REQUESTED: INFORMATION ON
CRIMINAL ENTERPRISES STATUTES REQUESTED REFTEL C. END
SUMMARY.

1. AS INDICATED IN PARA 8 OF REFTEL A, NEW ZEALAND
GOVERNMENT CAUCUS COMMITTEE ON DRUGS WILL SHORTLY HAVE
INTRODUCED IN PARLIAMENT NEW LEGISLATION DESIGNED TO
SIGNIFICANTLY STIFFEN NZ NARCOTICS LAW. PROPOSED LEG-
ISLATION, ALREADY ENDORSED IN SUBSTANCE BY PRIMIN
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MULDOON, IS AIMED AT HARD DRUG (CLASSES "A" AND "B")
TRAFFICKERS, CONSPIRATORS AND FINANCIERS. (FYI: AS
INDICATED REFTEL A, NZ LAW DEFINES CLASS "A" AND "B"
DRUGS AS "HARD"DRUGS. EXAMPLES ARE HEROIN - CLASS "A";
COCAINE, MORPHINE, AND OPIUM - CLASS "B"; MARIJUANA -
CLASS "C." END FYI.)

2. MAJOR ELEMENTS OF PROPOSED LEGISLATIVE CHANGES HAVE BEEN MADE AVAILABLE TO EMBASSY NARCOTICS COORDINATOR AND FOLLOW:

- (A) MAXIMUM PENALTIES FOR HARD DRUG TRAFFICKERS WILL BE INCREASED FROM 14 YEARS TO LIFE IMPRISONMENT; FINES TO BE INCREASED FROM DOLS 2000 - 7000 TO DOLS 15,000 FOR CLASS "A" AND DOLS 10,000 FOR CLASS "B";
 - (B) COURTS WILL HAVE POWER TO RECOMMEND MINIMUM CONFINEMENT OF AT LEAST SEVEN YEARS BEFORE OFFENDER CAN BE CONSIDERED FOR PAROLE;
 - (C) COURTS WILL ALSO HAVE POWERS TO CONFISCATE, BY WAY OF AN ADDITIONAL FINE, ANY ASSETS WHICH IT "HAS REASON TO BELIEVE" AN OFFER MAY HAVE ACCUMULATED FROM THE PROCEEDS OF ILLEGAL DRUGS DEALING;
 - (D) NO PRE-TRIAL BAIL FOR ACCUSED HARD DRUG TRAFFICKERS EXCEPT ON ORDER OF SUPREME COURT JUDGE;
 - (E) AS YET UNSPECIFIED PENALTIES AGAINST CONSPIRACY WILL BE SPECIALLY DESIGNED TO COMBAT THE PROBLEM OF FINANCIERS (SO-CALLED "MR. BIGS") WHO PROFIT FROM BUT AVOID ANY DIRECT ASSOCIATION WITH DRUG TRAFFICKING;
 - (F) SPECIFIC POLICE POWERS TO AFFIX, BY WARRANT
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FROM A SUPREME COURT JUDGE ONLY, LISTENING DEVICES, TRACKING DEVICES AND WIRE TAPS, AND TO ENGAGE IN THE OPENING OF MAIL. LEGISLATION WILL INCLUDE SEVERAL SAFEGUARD PROVISIONS FOR THESE SPECIAL POWERS.

3. NZ DRUG OFFICIALS BELIEVE THE FOREGOING PROVISIONS WILL ASSURE NZ COMPATABILITY WITH SIMILARLY TOUGHENED AUSTRALIAN NARCOTICS LEGISLATION (SEE REFTEL B). GNZ OFFICIALS BELIEVE LEGISLATION IS IN FULFILLMENT OF THE MINISTERIAL UNDERTAKING REACHED LAST MONTH BETWEEN AUSTRALIAN AND NZ CUSTOMS MINISTERS.

4. REFTEL C REQUESTED INFORMATION ON SO-CALLED CRIMINAL ENTERPRISES STATUTES FOR CAUCUS COMMITTEE ON DRUGS. EMBASSY WOULD STILL LIKE TO BE RESPONSIVE TO COMMITTEE'S REQUEST FOR CITATIONS AND U.S. EXPERIENCE IN PROSECUTIONS UNDER THE STATUTES. ACTION REQUESTED: CITATIONS AND/OR TEXT OF CRIMINAL ENTERPRISES STATUTES AND INFORMATION ON PROSECUTION. SELDEN

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